United Nations S/2004/31

Security Council

Distr.: General
14 January 2004

Original: English

Letter dated 14 January 2004 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 9 January 2004 (S/2004/30) concerning your intention to appoint Major General Bala Nanda Sharma of Nepal to the post of Force Commander of the United Nations Disengagement Observer Force has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) Heraldo **Muñoz**
President of the Security Council

04-20688 (E) 140104

United Nations S/2004/32

Security Council

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13 January 2004

Original: English

Letter dated 12 January 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

On 14 October 2003, the Committee established pursuant to paragraph 6 of Security Council resolution 1373 (2001) (the Counter-Terrorism Committee) submitted a work programme for the ninth 90-day period (S/2003/995). Annexed hereto is the Committee's work programme for the tenth 90-day period, which covers the months from January to March 2004 (see annex).

The Committee will continue to work with States on verifying the implementation of resolution 1373 (2001), operating on the principles of cooperation, transparency and equal treatment. The Committee's main objectives will continue to be maintaining and strengthening the consensus within the international community on the importance of combating terrorism, with particular emphasis on establishing practical measures designed to increase the means available to States to combat terrorism; helping to identify the problems faced by States in implementing resolution 1373 (2001) and attempting to find solutions to them; and contributing to the process of increasing the number of States that are parties to the international conventions and protocols relating to counter-terrorism. All of these tasks contribute to the Committee's mandate, as set out by paragraph 6 of the resolution, to monitor its implementation.

In order to attain those general objectives, the Committee will continue its work in the areas of technical assistance and cooperation with international organizations in accordance with the decisions adopted within the Committee.

The Committee welcomes the support it has received from Member States, the United Nations Secretariat and international, regional and subregional organizations, and pays tribute to its team of experts for their contribution.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

04-20694 (E) 140104

Annex to the letter dated 12 January 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

Work programme of the Counter-Terrorism Committee (1 January-31 March 2004)

1. The present document sets out the work programme of the Counter-Terrorism Committee for its tenth 90-day period, from 1 January to 31 March 2004. This work programme updates that submitted for the ninth 90-day period (S/2003/995, annex).

Summary

2. The Committee will:

(a) By 31 January:

(i) Continue to circulate the matrix on a monthly basis, with a view to identifying assistance needs and offers;

(ii) Submit a report about the measures to be taken to tackle the problems identified in its report of 14 November 2003;

(iii) Through its Chairman, have presented a briefing to interested delegations about the work of the Committee;

(iv) Complete the review of 25 further reports;

(b) By 29 February:

Complete the review of 25 further reports;

(c) By 31 March:

(i) Review the conclusions of the meeting between international, regional and subregional organizations which will take place in Vienna on 12 March, hosted by the Organization for Security and Cooperation in Europe;

(ii) Complete the review of 15 further reports.

I. Implementation of resolution 1373 (2001)

3. The Committee and its subcommittees will continue to review the reports submitted by States pursuant to paragraph 6 of resolution 1373 (2001). The number of both the reports studied and of the letters sent by the Committee will decrease as the complexity of the issues covered therein increases. The Committee's work can no longer be measured by mere statistics, but by the depth of its analysis.

4. By 5 January 2004, the Committee had received 461 reports from States and others. They include first reports from 191 Member States and 5 from others, 158 second reports from Member States and 2 from others, 100 third reports from Member States and 5 fourth reports from Member States. As indicated earlier, all States have submitted their first reports.

5. Nevertheless, it should also be noted that by 5 January 2004, 65 States had missed the deadlines for submission of their reports. The Committee urges all States that have not submitted their reports on time to submit them as soon as possible, in fulfilment of the provisions of resolution 1373 (2001). The Committee remains ready to work with them to find a way to progress towards the common objective of combating terrorism in the terms established by resolution 1373 (2001). The Chairman of the Committee will continue to inform the Security Council about the list of States late in submitting their reports. The list will be submitted to the Council every six months, at the time of the Chairman's report to the Council, and will include the States (if any) that have contacted the Committee and those that have asked for assistance.

6. In accordance with resolution 1456 (2003), the Committee will continue to report regularly on progress made by States regarding their obligation to report to the Security Council pursuant to paragraph 6 of resolution 1373 (2001).

7. Bearing in mind the call for all States to become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, contained in paragraph 3 (d) of Security Council resolution 1373 (2001) and paragraph 2 (a) of the declaration annexed to Security Council resolution 1456 (2003), the Committee will remain committed to ensuring that the largest possible number of States become party to the 12 pertinent international conventions and protocols and incorporate that important body of international law into their domestic legislation. The Committee will study the question in order to identify the reasons for the low degree of participation in certain regions and will consider initiatives to encourage and assist Member States to become parties to the 12 pertinent international conventions and protocols.

II. Work of the Committee

8. On 14 November 2003, the Chair, in accordance with paragraph 2 (a) of the ninth work programme, submitted to the President of the Security Council a report on the problems in the implementation of resolution 1373 (2001), both for Member States and for the Committee itself. The report identified several fields in which States are having difficulties. These areas include: financing of terrorism, competence of the courts, ratification of the 12 international conventions and protocols without enforcement measures, links between terrorism and organized crime (drugs, weapons, contraband, etc.) and links between terrorism and illegal movement of nuclear, chemical, biological and other potentially deadly materials.

9. The Committee has also agreed that in order to fulfil its obligations under resolution 1373 (2001), it should strengthen its efforts in the facilitation of technical assistance and reinforcing coordination and cooperation with international, regional and subregional organizations, as stated in the 14 November report of the Chair to the Security Council.

10. The Committee has identified several problems within its own structure and proceedings. The first one relates to the present functions and working methods of the Chair, the secretariat and the experts. The second includes the lack of proper financial accountability and of an active communications policy. Also, the Committee's present procedures should be reconsidered in several areas (reconsidering stages A, B and C; the need for consistency in the Committee's output; the Committee's decision-making mechanism; adequate follow-up of the

Committee's decisions; and the need to broaden the Committee's present information sources).

11. The Committee will submit a report to the Security Council outlining specific practical measures to be taken in order to comply with the Committee's task of implementing resolution 1373 (2001). If necessary, the Chair can add a commentary to the report containing its own views on any specific subjects.

12. While pursuing a case-by-case approach in monitoring the implementation of resolution 1373 (2001), the Committee will bear in mind all international best practices, codes and standards that are relevant to its implementation.

III. Technical assistance

13. The facilitation of the provision of technical assistance to countries in need will remain one of the Committee's priorities. The 14 November report by the Chair is clear about the need to study and develop the means necessary to ensure that technical assistance receives the appropriate attention from the Committee and the Security Council. In order for the Committee to play a more dynamic role in the area of technical assistance, its current working methods need to be reviewed.

14. The Committee has developed the Directory of Counter-Terrorism Information and Sources of Assistance, which can be consulted on its web site, at http://www.un.org/Docs/sc/committees/1373/ctc_da/index.html. The Directory is designed to be a source of information on counter-terrorism-related best practices, model laws and available assistance programmes. The Committee encourages all States seeking assistance or guidance in the matters covered by resolution 1373 (2001) to use this online information tool.

15. The Committee and its experts are ready, wherever possible, to facilitate the provision of assistance programmes to States in order to further the implementation of resolution 1373 (2001).

IV. Transparency in the work of the Committee

16. Transparency will continue to be a hallmark of the work of the Counter-Terrorism Committee.

17. The Committee will continue to provide information on its activities on a regular basis, including briefings for interested delegations by the Chairman. The next briefing will take place before the end of January. As a general rule, the Chair will brief interested delegations at least once a month unless it is not considered necessary to do so.

18. The Committee has an informative web site (http://www.un.org/sc/ctc) that has become an essential source of information on all aspects of the implementation of resolution 1373 (2001). In accordance with paragraph 15 of the ninth work programme, and after several months of work, the web site is fully operational in all United Nations languages.

19. The Chairman and the Committee's experts will continue to maintain close relations with organizations and agencies of the United Nations system on aspects relevant to international counter-terrorism efforts, within the scope of the mandate contained in resolution 1373 (2001).

20. States are encouraged to make direct contact with the Committee's subcommittees or experts to seek any clarification on the issues covered in their correspondence with the Committee or on any other issue (tel.: 1-212-963-3520 or 1-212-457-1886; fax: 1-917-367-5897; e-mail: ctc@un.org).

21. The Committee has updated its web site as a source of detailed information on all issues related to resolution 1373 (2001). The Committee will continue to offer all regional and subregional organizations the opportunity to submit information on their activities and action plans in order to distribute them more widely among States that need assistance. The Committee also encourages organizations to continue to submit information on international best practices, codes and standards relevant to the implementation of resolution 1373 (2001) and on any modes of assistance and guidance in implementing those best practices, codes and standards.

V. Cooperation between the Committee and international, regional and subregional organizations

22. The Committee has continued to expand its contacts and cooperation with international, regional and subregional organizations as outlined in the action plan agreed following the special meeting of the Committee held on 6 March 2003. Following paragraph 20 of the Committee's ninth work programme, and in order to strengthen its cooperation with these organizations, the Chairman has visited several institutions based in Europe, where he met with the Counter Terrorism Action Group of the G-8 in Paris; UNODC, IAEA and OSCE in Vienna; NATO, the European Union, the World Customs Organization, UNICRI and EUROPOL in Brussels; and the Council of Europe in Strasbourg.

23. The next follow-up meeting between the Committee and international, regional and subregional organizations will be hosted by OSCE with the support of UNODC and will take place in Vienna on 12 March 2004. The Committee will closely consider its agenda and list of participants in order to ensure that this meeting results in the adoption of practical and concrete measures.

24. The Chairman and the Committee's experts will continue to establish contacts with organizations outside the United Nations system by attending regional meetings and conferences.

VI. Future work of the Committee

25. The Committee will submit to the Security Council a report on the measures to be taken in order to confront the problems in the implementation of resolution 1373 (2001) encountered both by Member States and the Committee itself, as outlined in the 14 November report of the Chair.

United Nations A/58/682–S/2004/33

General Assembly
Security Council

Distr.: General
14 January 2004

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General Assembly
Fifty-eighth session
Agenda items 37 and 156

Security Council
Fifty-ninth year

The situation in the Middle East

Measures to eliminate international terrorism

Identical letters dated 14 January 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I am writing in order to draw your attention to the latest terrorist attacks perpetrated against the citizens of Israel.

Today, 14 January 2004, at approximately 9.30 a.m. (local time) a female suicide bomber, and 22-year-old mother of two, perpetrated an attack at the Erez Crossing in the Gaza Strip, killing 4 Israeli citizens and wounding 12 others, including several Palestinians. The Erez Crossing serves as one of the primary entry points for thousands of Palestinians who cross the border to work in Israel. An attack at this junction serves as a direct affront to Israel's concerted humanitarian efforts to allow Palestinians to enter the Crossing, despite ongoing terrorism in the region. It serves as further evidence that Palestinian terrorist groups, which continue to operate, are not only committing horrific acts of brutality, but are enemies, both of the peace process and of the interests of the Palestinian people themselves.

Hamas and Al-Aqsa Martyrs Brigade, the latter affiliated with Yasser Arafat's own Fatah movement, jointly claimed responsibility for the bombing. Vowing to escalate attacks, Hamas founder Sheikh Ahmed Yassin said it used a woman suicide bomber in order to exploit Israeli security procedures, calling the tactic a "new development in resistance against the enemy." In spite of the expressed obligations to fight terrorism and dismantle the terror infrastructure, Palestinian Prime Minister Ahmed Qureia declined to condemn the attack.

Yesterday, 13 January 2004, at approximately 7.30 p.m. (local time) terrorists opened fire on a car, killing Ro'i Arbel, 29, near his home in Talmon. Arbel was a father of five, including triplets born three months ago. Three other passengers were also wounded with moderate injuries when the vehicle was ambushed. The Fatah Al Aqsa Martyrs Brigades later claimed responsibility for the attack.

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On 25 December 2003, at approximately 6.30 p.m. (local time) a suicide bomber perpetrated an attack during the busy evening rush hour at the Geha Junction, east of Tel Aviv, near Petah Tikva. The terrorist attack killed four Israeli citizens, Adva Fisher, 20, of Kfar Sava; Noam Leibowitz, 22, of Elkana; Angelina Shcherov, 19, of Kfar Sava; and Rotem Weinberger, 19, of Kfar Sava; and wounded over 20 others. The Popular Front for the Liberation of Palestine, headquartered in Damascus, Syria, and operating from Palestinian Authority-controlled territory, claimed responsibility for the bombing.

As this recent and most brutal wave of terrorism indicates, the ongoing refusal of the Palestinian Authority to take the strategic decision to dismantle terrorist organizations, as it is legally and morally obliged to do, continues to ravage the lives of innocent civilians and endanger efforts to build a new reality for the people of the region.

Israel calls upon the international community to reaffirm its absolute rejection of terrorist tactics, and to accept nothing less than the complete dismantling of terrorist organizations, and relentless efforts to prevent terrorism and bring its perpetrators and supporters to justice, in accordance with international law, the Road Map, signed agreements between the parties, and Security Council resolutions, in particular resolution 1373 (2001).

At a time when so much focus has been placed within the United Nations system including during the fifty-eighth session of the General Assembly on the appropriateness of certain defensive counter-terrorism measures, it is high time that more attention and clear condemnation is addressed at the brutal terrorism that makes such measures necessary. It appears that the Palestinian leadership will continue to violate its most basic legal obligations and support crimes directed against innocent civilians until the international community makes clear, in word and in deed, its fundamental opposition to this bankrupt strategy.

I submit this letter in follow-up to numerous letters detailing the campaign of Palestinian terrorism that began in September 2000, which document the criminal terrorist strategy for which the terrorists and their supporters must be held fully accountable.

I should be grateful if you would arrange to have the text of this letter circulated as a document of the fifty-eighth session of the General Assembly, under agenda items 156 and 37, and of the Security Council.

(*Signed*) Arye **Mekel**
Ambassador
Chargé d'affaires a.i.

United Nations S/2004/34

Security Council

Distr.: General
15 January 2004

Original: English

Letter dated 14 January 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached communication, dated 8 January 2004, which I received from the Secretary-General of the North Atlantic Treaty Organization (see annex).

I should be grateful if the present letter could be brought to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-20933 (E) 160104

Annex

Letter dated 8 January 2004 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

In accordance with Security Council resolution 1088 (1996), I attach the monthly report on the operations of the Stabilization Force (SFOR) for November 2003. I would appreciate your making this report available to the Security Council.

(*Signed*) Jaap de Hoop **Scheffer**

Enclosure

Monthly report to the United Nations on the operations of the Stabilization Force

1. Over the reporting period (1-30 November 2003) there were just over 11,890 troops deployed in Bosnia and Herzegovina and Croatia.

Security

2. The overall situation in Bosnia and Herzegovina remained stable during the period under review.

3. On 4 November, the Cantonal Court in Sarajevo sentenced Enes Sakrak to 10 year's imprisonment for the killing of 30 Bosnian-Croat civilians in the village of Grabovica in 1993. Sakrak was arrested in August 2003 along with Mustafa Hota for war crimes committed by the ninth Mountain Brigade and was tried by the Cantonal Court after it had received permission from the International Criminal Tribunal for the Former Yugoslavia to proceed.

4. On 18 November, the Tribunal announced that it had indicted Milan Babic on one count of crimes against humanity and four counts of violations of the laws and customs of war for crimes allegedly committed in Croatia between August 1991 and June 1992. At that time, Babic was the President/Prime Minister of the self-proclaimed "Republika Srpska Krajina" and is charged with participating in a joint criminal enterprise, the goal of which was the ethnic cleansing of the Krajina region of Croatia. Babic is a past President of the Serbian Democratic Party and recently gave evidence against Milosevic in his trial at The Hague. He appeared before the Tribunal on 26 November.

Attacks against SFOR and SFOR operational activities

5. There were no significant acts of violence directed against SFOR personnel over the reporting period.

6. SFOR continued to contribute to the maintenance of a safe and secure environment in Bosnia and Herzegovina and to monitor possible terrorist-related threats throughout the country. SFOR remained engaged with Operation Harvest framework operations and exercises. In November, new weapons and ammunition caches were found in the area of operations. On 12 November, SFOR performed an operation in the vicinity of Nevesinje. Troops searched caves for possible weapon and ammunition caches while performing door-to-door weapons collections. During the operation, troops seized a considerable amount of arms and ammunition. On 1 December, SFOR headquarters released the results of Operation Harvest for the year so far. In comparison with last year (2002), overall collections are up by substantial margins in all categories, with the exception of hand grenades, which are down very slightly. Overall, November 2003 has been a fruitful month.

7. The results of weapons turned-in/collected from 1 to 30 November within the framework of Operation Harvest are: 2,009 small arms (rifles, pistols and revolvers, etc); 462,910 rounds of ammunition less than 20 mm; 1,606 rounds of ammunition between 20 mm and 76 mm; 32 rounds of ammunition more than 76 mm; 3,858 hand grenades; 734 mines; 2,236.75 kilograms of explosives; 4,047 other items (mortars and mortar rounds, rifle grenades, handmade ordnance, attack rocket, etc).

8. On 5 November, SFOR mounted a search operation, comprising simultaneous snap inspections of the offices of the Chief Inspector of the Federation Financial Police in Sarajevo and the Zenica Prosecutor. The operation was carried out in support of the High Representative's effort to entrench the rule of law and was a follow-up to the discovery of wiretaps on SFOR and international community personnel on 14 October. SFOR will conduct a document exploitation (DOCEX) to determine who is accountable for the wiretaps.

9. SFOR continues to assist individual units of the Republika Srpska Army (VRS) in destroying unstable, surplus ammunition in accordance with Operation Armadillo, which directs SFOR to provide explosive ordnance disposal and anti-tank support to the VRS. To better coordinate the efforts and closely monitor movements of ammunition across the area of operations, a coordination centre was established at SFOR headquarters. The Operation intends to establish a high-capacity ammunition destruction facility, which will be capable of destroying the unstable ammunition no later than 1 March 2004. Results from early September 2003 to the beginning of November 2003 are impressive: over 900,000 rounds of ammunition, 39,000 hand grenades, 23,000 mortar rounds and nearly 5,000 anti-tank mines have been destroyed.

10. On 18 November, Switzerland announced that it would contribute 400,000 Swiss francs to the operation of the Peace Support Operations Training Centre at Camp Butmir in Sarajevo. A number of allied and partner countries have also contributed to this project. The memorandum of understanding for the Centre was signed in a ceremony at Camp Butmir on 20 November.

11. On 11 November, the Supreme Headquarters of the Allied Powers in Europe approved the release of airspace between FL410 and FL460 for civil air traffic and delegated its control to the Bosnia and Herzegovina Directorate of Civil Aviation. These changes represent a further positive step in the course of normalization of civil aviation activities in the Balkan region.

Cooperation and compliance by the parties

12. On 28 November, the Republika Srpska National Assembly officially passed eight amendments to the Constitution of the Republika Srpska related to defence reform. The amendments transfer jurisdiction over the command of the VRS from the President of the Republika Srpska to the tri-presidency of Bosnia and Herzegovina and transfer the right to declare a state of war from the Assembly to the State level. The decision on the amendments was taken unanimously and passed by the Republika Srpska Chamber of Peoples on 29 November. These amendments to the Constitution paved the way for the House of Peoples of Bosnia and Herzegovina to adopt their draft defence law in the first reading, and for the House of Representatives of Bosnia and Herzegovina to adopt the law on 1 December.

13. During the reporting period, the Entity Armed Forces have carried out normal training activities, in compliance with the military provisions of the Dayton Peace Agreement. In November 2003, there were no reports of missing weapons from weapons storage sites.

14. There were a total of 176 Entity Armed Force training and operation activities (90 VRS and 86 VF) during the reporting period and 305 movements (187 VRS and 118 VF) conducted during the reporting period. A total of 200 Entity Armed Force

mine-clearing activities were monitored during the reporting period. SFOR conducted a total of 52 inspections of weapons storage sites and ammunition storage sites during the reporting period (26 VRS and 26 VF). Four weapons storage sites were closed this month and another 11 are pending closure.

Cooperation with international organizations

15. Within capabilities and in accordance with its mandate, SFOR continues to provide assistance to the international organizations working in theatre.

Outlook

16. In November, SFOR continued to contribute to a safe and secure environment in Bosnia and Herzegovina. Operation Armadillo is a major milestone in bringing the armed forces of Bosnia and Herzegovina in line with COMSFOR's mandate that the total number of weapons and ammunition storage sites in Bosnia and Herzegovina be brought down to fewer than 10. SFOR believes that a similar level of effort will be necessary to reduce the stores of ammunition of the VF as well. On the political front, the Government of Bosnia and Herzegovina has passed several key amendments that will permit State-level control of all its armed forces, which is a key condition for eventual membership in the Partnership for Peace. November was a month of slow but substantial progress in Bosnia and Herzegovina.

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Security Council

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16 January 2004
English
Original: Arabic

Letter dated 14 January 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

I have the honour to inform you that the Government of Lebanon is requesting the Security Council to extend the mandate of the United Nations Interim Force in Lebanon (UNIFIL), which expires on 31 January 2004, for a further interim period of six months, on the basis of the provisions of Security Council resolutions 425 (1978) and 426 (1978), dated 19 March 1978, and in view of the fact that the continued deployment of UNIFIL is necessary in order for it to complete the mandate with which it was entrusted by those two Security Council resolutions. This request is consistent with the judicious conclusions contained in your periodic reports to the Security Council to the effect that a major part of the mandate of UNIFIL has not been completed, particularly with respect to "the restoration of lasting peace and security" in the region. The request is particularly urgent in the light of the serious violations and provocations committed by land, sea and air on a daily basis by Israel across the Blue Line which are a continuing aggression against the sovereignty of Lebanon, a threat to its security and peace and a blatant violation of Security Council resolution 425 (1978).

In this context, Lebanon emphasizes that the maintenance of the mandate of the United Nations Interim Force in Lebanon, as provided for in the two above-mentioned resolutions, will be a reaffirmation of the international community's commitment to the restoration of Lebanon's sovereignty over its entire territory and of the strong support given by the Security Council in its successive resolutions to the territorial security, sovereignty and political independence of Lebanon within internationally recognized borders, most recently in its resolution 1496 (2003).

Lebanon pays tribute to the ongoing contribution of the United Nations Interim Force in Lebanon in mine removal operations and to the efforts made by donor countries in that regard. Lebanon requests the Security Council to exert pressure on Israel to produce maps and other documents showing the location of the mines left behind by the Israeli occupation of Lebanese territory, the existence of large numbers of which has been reported to the United Nations. These mines are continuing to cause death and injury to Lebanese civilians, and to restrict their freedom of activity and movement, as well as impeding the freedom of travel of UNIFIL and the fulfilment of its mandate in its area of operation. They also constitute a danger to the life of individuals working there and to those working on mine clearance. Lebanon also requests the Security Council to endeavour to secure the release of Lebanese nationals who have been detained illegally for many years in

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Israeli prisons in flagrant breach of the Geneva Conventions of 1949 and their Additional Protocols.

Lebanon renews its commitment to the peace process in the Middle East with a view to the attainment of a comprehensive and just peace in the region based on the resolutions of the United Nations and on the authority of the Madrid Conference and in accordance with the comprehensive Arab peace initiative which was adopted unanimously at the Beirut Summit on 28 March 2002.

I avail myself of this opportunity to pay tribute, on behalf of the Lebanese Government, to the efforts made by the leadership and individual members of UNIFIL, and to the troop-contributing countries for their efforts and sacrifices in the implementation of its mandate.

The Government of Lebanon also wishes to convey to you its appreciation for your tireless efforts in support of the role of UNIFIL in southern Lebanon.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative

United Nations S/2004/36

Security Council

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16 January 2004

Original: English

Letter dated 14 January 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 17 June 2002 (S/2002/674), transmitting a second report from the United States of America submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of the United States of America to the United Nations to set out its preliminary comments. The United States of America has been requested to provide a response in the form of a third report by 29 March 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Security Council

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Letter dated 14 January 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 25 June 2003 (S/2003/676), transmitting a second report from Tonga submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Tonga to the United Nations to set out its preliminary comments. Tonga has been requested to provide a response in the form of a third report by 29 March 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Security Council

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Letter dated 14 January 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 16 July 2003 (S/2003/724), transmitting a third report from Italy submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Italy to the United Nations to set out its preliminary comments. Italy has been requested to provide a response in the form of a fourth report by 29 March 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Security Council

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19 January 2004

Original: English

Report of the Secretary-General on the situation concerning Western Sahara

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1513 (2003) of 28 October 2003, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 January 2004 and requested me to provide a report on the situation before that date. This report covers developments since my last report, dated 16 October 2003 (S/2003/1016).

II. Activities of my Personal Envoy

2. During the reporting period, my Personal Envoy had a further meeting, on 23 December 2003, with a Moroccan delegation to discuss issues pertaining to Morocco's final response to the operative paragraphs of resolution 1495 (2003) of 31 July 2003, in particular paragraph 2, in which the Security Council called upon the parties to work with the United Nations and with each other towards acceptance and implementation of the peace plan submitted to them in early January 2003. Given my Personal Envoy's current assignment with the Government of the United States of America, and in order to give him time to consult further with the Government of Morocco on this issue, he has requested that the mandate of MINURSO be extended until 30 April 2004.

III. Developments on the ground

A. Activities of my Special Representative

3. On 29 October 2003, my new Special Representative for Western Sahara, Alvaro de Soto (Peru), assumed his duties in Laayoune. In November 2003, he visited Rabat, Tindouf, Algiers and Nouakchott, where he had introductory meetings with senior officials from the Government of Morocco, the Frente Popular para la Liberación de Saguia el-Hamra y del Río de Oro (Frente POLISARIO), the Government of Algeria and the Government of Mauritania.

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4. Since taking up his duties, my Special Representative has been in contact with senior officials from the International Committee of the Red Cross (ICRC) in Geneva in relation to the issues of the Moroccan prisoners of war and the fate of persons unaccounted for on either side since the beginning of the conflict. He has also been in contact with senior officials from the World Food Programme (WFP) concerning humanitarian assistance to the refugees in the Tindouf area and with the Office of the United Nations High Commissioner for Refugees (UNHCR) regarding other humanitarian aspects of the conflict. In this regard, my Special Representative supported UNHCR's separate discussions with Moroccan, Frente POLISARIO and Algerian officials concerning the implementation of a UNHCR project of confidence-building measures.

B. Activities of the Identification Commission

5. The Identification Commission has successfully completed its overall auxiliary work plan, including the transfer of all of its identification files and sensitive documents to the United Nations Office at Geneva, where they are now safely stored. As a result, the last staff of the Commission completed their assignments with MINURSO on 31 December 2003. However, the authorized posts for the Commission have been kept in the proposed budget for the financial year 2004-2005, in order to expedite the recruitment of expertise for MINURSO should the need arise.

6. I would like to thank all the personnel of the Identification Commission for their dedication and for the outstanding work that the Commission has accomplished since its establishment in 1993.

C. Activities of the military component

7. As at 12 January 2004, the military component of MINURSO stood at 227 United Nations military observers and troops, against the authorized strength of 230. Under the command of Major General Gyorgy Száraz (Hungary), the military component continued to monitor the ceasefire in Western Sahara, which has been in effect since 6 September 1991. The Mission's area of responsibility has remained calm and there have been no indications on the ground that either side intends to resume hostilities in the near future.

8. During the reporting period, MINURSO conducted over 1,760 ground patrols and 114 air patrols to visit and inspect ground units larger than company size of the Royal Moroccan Army (RMA) and the military forces of the Frente POLISARIO, in accordance with the ceasefire agreements between MINURSO, on the one hand, and RMA and the Frente POLISARIO on the other. The military forces of both RMA and the Frente POLISARIO have continued to carry out routine maintenance and training activities.

9. The Frente POLISARIO has continued to impose some limitations on MINURSO's freedom of movement in areas of the Territory east of the berm. Although the nature of these limitations does not significantly affect MINURSO's ability to monitor the situation in those areas, their removal would further facilitate the Mission's ground and air patrolling activities.

10. MINURSO has continued to cooperate with the parties on the marking and disposal of mines and unexploded ordnance. In the past three months, the Mission has discovered and marked 36 mines and pieces of unexploded ordnance on both sides of the berm and has monitored 257 disposal operations carried out by RMA. MINURSO has also launched an Information Management System for Mine Action, which will help to consolidate data on discovered mines and unexploded ordnance in the Mission's area of responsibility and thus facilitate any future demining activities.

D. Civilian police aspects

11. Following the transfer of the Identification Commission files and materials to the United Nations Office at Geneva, the civilian police component of MINURSO has successfully completed its mandated duties and has been withdrawn from the Mission as of 31 December 2003. However, all authorized civilian police officer posts have been kept in the proposed budget for the financial year 2004-2005, in the event that there is a need to reactivate the component. In this connection, should UNHCR proceed to the implementation of the exchange of family visits (see para. 27 below), up to five United Nations civilian police officers may be required to assist in the initial stages of the project.

12. Meanwhile, I would like to thank the staff and leadership of the civilian police component for the excellent work that they have accomplished since the establishment of the component in 1993. I would also like to thank the outgoing Civilian Police Commissioner in MINURSO, Inspector General Om Prakash Rathor (India), as well as all countries contributing civilian police to MINURSO for their invaluable support of the Mission.

E. Logistical aspects

13. During the reporting period, MINURSO continued the phased implementation of its two-year plan to refurbish worn out living and working quarters at all 10 MINURSO weather haven team site camps across the Territory.

F. Prisoners of war, other detainees and persons unaccounted for

14. On 7 November 2003, the Frente POLISARIO announced the release of a further 300 Moroccan prisoners of war, who were repatriated to Morocco on the following day under the auspices of ICRC. This was the largest group of Moroccan prisoners ever liberated. While I welcome this step, 613 such prisoners are still in detention, most of them for more than 20 years. I therefore reiterate my call to the Frente POLISARIO to expedite the release of all remaining prisoners, in compliance with international humanitarian law and numerous Security Council resolutions and presidential statements. I also call on both Morocco and the Frente POLISARIO to continue to cooperate with ICRC in accounting for those who are still missing in relation to the conflict.

G. Western Saharan refugees

15. While the food pipeline for the Western Saharan refugees has been relatively stable throughout most of 2003, current shortages of relief aid continue to cause acute and chronic malnutrition among the Western Saharan refugees in the Tindouf area. Without significant donor contributions, the Western Saharan refugee assistance programme may face a critical situation in the coming months. In this connection, WFP and UNHCR are planning to undertake a joint assessment mission to the refugee camps in early 2004, which would include representatives of donor countries.

16. Security Council members will recall that UNHCR and my Special Representative for Western Sahara have been promoting the implementation of confidence-building measures that would facilitate person-to-person contacts between the refugees in the Tindouf camps in Algeria and their community of origin in Western Sahara. As noted in my previous report to the Council, UNHCR's talks in early October 2003 with all concerned resulted in some progress on confidence-building measures.

17. In the course of November 2003, UNHCR, in close consultation with my Special Representative, submitted to Morocco, the Frente POLISARIO and Algeria, as the country of asylum, a detailed plan of action defining the modalities for the implementation of the exchange of family visits between the refugee camps in Tindouf and the Territory.

18. From 8 to 12 December 2003, my Special Representative, accompanied by senior UNHCR staff, met at Geneva with Frente POLISARIO representatives to discuss the proposed plan of action for the exchange of family visits and to seek the activation of the other confidence-building measures, namely telephone and mail services. The Frente POLISARIO reiterated its full support for the confidence-building measures as a package, while accepting that implementation could take place gradually. It also expressed its readiness to resume the UNHCR telephone service and to start the mail service under the terms proposed by UNHCR, that is, that mail would be collected and distributed by UNHCR on both sides.

19. From 16 to 19 December 2003, my Special Representative and UNHCR senior staff visited Algiers and Rabat to pursue discussions on the confidence-building measure. In Algiers, the authorities reiterated their support for the measures and their readiness to facilitate their implementation. The Algerian authorities emphasized the global nature of the proposed measures and pledged to send their comments in writing to UNHCR on its draft plan of action, which they did in early January 2004. In addition, Algeria provided written confirmation of its agreement on the resumption of the telephone service between the refugee camps and the Territory. Regarding the mail service, the Algerian authorities reiterated their support of this activity under the terms of the original plan envisaged by UNHCR, whereby the mail would be collected and distributed by UNHCR on both sides.

20. During discussions in Rabat on 19 December 2003, the Moroccan authorities urged my Special Representative and UNHCR to work towards the quick resumption of the telephone service between the camps and the Territory, which began on 15 April 2003 and was suspended the following day at the request of Frente POLISARIO, pending the formal authorization of the Algerian authorities. Regarding the mail service, the Moroccan authorities reiterated their support for the

project, using the Moroccan postal service for the collection and distribution of mail in the Territory. UNHCR stressed that for the mail service to be regarded as a confidence-building measure, it would require UNHCR's unhindered access to the beneficiaries of the service and all assurances regarding confidentiality of the mail and neutrality as regards its handling.

21. In the meantime, discussions on the exchange of family visits allowed for a constructive review of the modalities proposed by UNHCR for the implementation of this activity. My Special Representative and UNHCR answered the questions raised by the Moroccan experts and took note of their comments on the draft plan of action.

22. Following these consultations, UNHCR, in close consultation with my Special Representative, has adjusted its initial plan of action for the implementation of the confidence-building measures, taking into account the comments, observations and suggestions made by Morocco, the Frente POLISARIO and Algeria, while striving to preserve the overall integrity and humanitarian nature of the project. A new version of the plan of action for the confidence-building measures has been submitted to the parties for their final consideration.

23. In the meantime, I am pleased to report that the UNHCR-operated telephone connection between the refugee camps in Algeria and the Territory was re-established on 12 January 2004. In this connection, a telephone service between the "27 February School" camp in the Tindouf area in Algeria and the Territory is now functioning and will be gradually extended to other locations.

H. African Union

24. During the reporting period, the observer delegation of the African Union to MINURSO, led by its Senior Representative, Ambassador Yilma Tadesse (Ethiopia), continued to provide valuable support and cooperation to the Mission. I wish to reiterate my sincere appreciation for this contribution.

I. Financial aspects

25. By its resolution 57/331 of 18 June 2003, the General Assembly appropriated an amount of $41,529,500 (gross), equivalent to $3,460,792 per month, for MINURSO for the period from 1 July 2003 to 30 June 2004. The assessment of these amounts is subject to the decision of the Security Council to extend the mandate of the Mission. Should the Security Council decide to extend the mandate of MINURSO beyond 31 January 2004, the cost of maintaining the Mission until 30 June 2004 would be limited to the monthly amounts approved by the General Assembly.

26. As at 30 November 2003, unpaid assessed contributions to the special account for MINURSO amounted to $46.9 million. The total outstanding assessed contributions for all peacekeeping operations as at 30 November 2003 amounted to $1,066.7 million.

IV. Observations and recommendations

27. In the light of the positive developments emerging from the recent round of consultations on confidence-building measures, UNHCR hopes to be in a position to start the implementation of the exchange of family visits, with the consent of all concerned, in February 2004. I therefore call on the Frente POLISARIO, Morocco and Algeria to respond positively to the modalities contained in the revised version of the plan of action and, subsequently, to extend to UNHCR all the cooperation and support necessary to implement it. Meanwhile, I would like to appeal to donor countries for urgent contributions to the assistance programme for Western Saharan refugees.

28. Following the discussions that my Personal Envoy had with the delegation of Morocco on 23 December 2003, he is of the view that the mandate of MINURSO should be extended until 30 April 2004 to allow him to consult further with Morocco on its final response to the peace plan. I concur with this view and hope that he will be receiving Morocco's final reply before the end of April 2004. For this reason, I recommend that the Council extend the mandate of MINURSO for three months, until 30 April 2004.

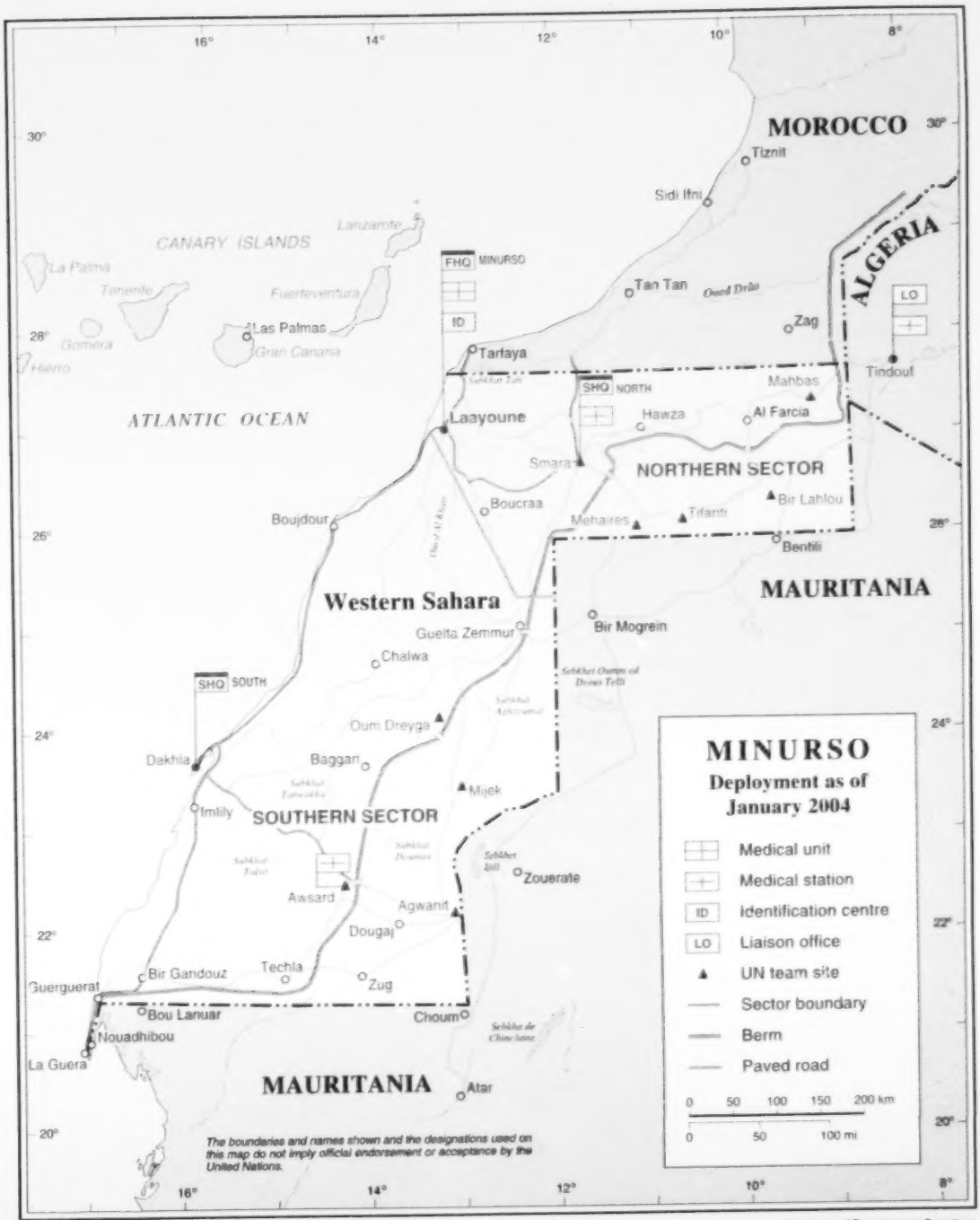
Annex

United Nations Mission for the Referendum in Western Sahara

Contributions as at 12 January 2004

	*Military observers**	*FC*	*Troops*	*Civilian police***	*Total*
Argentina	1				1
Austria	2				2
Bangladesh	8				8
China	19				19
Croatia	2				2
Egypt	19				19
El Salvador	5				5
France	25				25
Ghana	9		7		16
Greece	1				1
Guinea	5				5
Honduras	12				12
Hungary	7	1			8
Ireland	4				4
India					0
Italy	5				5
Jordan					0
Kenya	10				10
Malaysia	13				13
Mongolia	3				3
Nigeria	8				8
Norway					0
Pakistan	7				7
Poland	1				1
Portugal					0
Republic of Korea			20		20
Russian Federation	24				24
Senegal					0
Sri Lanka	2				2
Sweden					0
Uruguay	8				8
Total	**200**	**1**	**27**	**0**	**228**

* Authorized strength is 203.
** Authorized strength is 81.



Map No. 3691 Rev. 43 UNITED NATIONS
January 2004

Department of Peacekeeping Operations
Cartographic Section

United Nations S/2004/40

Security Council

Distr.: General
19 January 2004

Original: English

Letter dated 16 January 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1521 (2003) of 22 December 2003 concerning Liberia. In section B, paragraph 22, of the resolution, the Council requested me to appoint, in consultation with the Security Council Committee established pursuant to resolution 1521 (2003), a Panel of Experts consisting of up to five members, for a period of five months, to conduct a follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a report on the implementation, and any violations of the measures referred to in section B, paragraphs 2, 4, 6 and 10, of the aforementioned resolution, including any violations involving rebel movements and neighbouring countries, and including any information relevant to the Committee's designation of the individuals described in section B, paragraph 4, and including the various sources of financing, such as from natural resources, for the illicit trade of arms, and to assess the progress made towards the goals described in section B, paragraphs 5, 7 and 11, of the same resolution.

Accordingly, I wish to inform you that, taking into account the requirements stated in resolution 1521 (2003), including that I draw, as much as possible and as appropriate, on the expertise of the members of the Panel of Experts established pursuant to resolution 1478 (2003), I have appointed the following five experts:

1. Mr. Arthur Gregory Blundell (Canada)
2. Mr. Atabou Bodian (Senegal)
3. Mr. Damien Callamand (France)
4. Mr. Caspar Fithen (United Kingdom of Great Britain and Northern Ireland)
5. Mr. Tommy Stephen Garnett (Sierra Leone)

I have also selected Mr. Bodian to chair the Panel of Experts.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-21183 (E) 190104

United Nations S/2004/41

Security Council

Distr.: General
20 January 2004

Original: English

Letter dated 12 January 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement welcoming the successful conclusion of the Twelfth Summit meeting of the South Asian Association for Regional Cooperation, issued by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

04-21481 (E) 210104

Annex to the letter dated 12 January 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement welcoming the successful conclusion of the Twelfth Summit meeting of the South Asian Association for Regional Cooperation, issued on 6 January 2004 by the Presidency on behalf of the European Union

The European Union welcomes the successful SAARC Summit and today's important development in relations between India and Pakistan.

The European Union Presidency welcomes today's successful conclusion of the Twelfth Summit meeting of the South Asian Association for Regional Cooperation (SAARC), which was held in Islamabad from 4 to 6 January 2004. The approval of an Agreement on a South Asian Free Trade Area and of a Protocol on combating terrorism demonstrates the effectiveness of regional cooperation and dialogue and will be of great benefit to the region.

The Summit was attended by President Musharraf of Pakistan and Prime Minister Vajpayee of India and provided an opportunity for India and Pakistan to build upon recent positive developments in their bilateral relations. Today's important statement by both countries that they have agreed to commence a process of composite dialogue is particularly welcome. The European Union Presidency lauds the commitment of both leaders to the peaceful settlement of all bilateral issues and shares their view that constructive dialogue would promote progress towards their common objective of peace, security and economic development for their peoples and for future generations.

United Nations S/2004/42

Security Council

Distr.: General
20 January 2004

Original: English

Letter dated 12 January 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the declaration on the approval of a Constitution for Afghanistan issued on 6 January 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

04-21487 (E) 210104

Annex to the letter dated 12 January 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English and French]

Declaration on the approval of a Constitution for Afghanistan issued on 6 January 2004 by the Presidency on behalf of the European Union

The European Union Presidency welcomes the approval of a Constitution for Afghanistan by the Loya Jirga. The approval of the Constitution, which represents a fundamental step in the peace process established by the Bonn Agreement, provides a foundation for a future of peace and prosperity for the Afghan people. The European Union reconfirms its full commitment to this process.

United Nations S/2004/43

Security Council

Distr.: General
20 January 2004

Original: English

Letter dated 12 January 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the presidential elections in Georgia issued on 6 January 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

04-21499 (E) 210104

Annex to the letter dated 12 January 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement on the presidential elections in Georgia issued on 6 January 2004 by the Presidency on behalf of the European Union

The European Union welcomes the preliminary findings and conclusions of the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights International Election Observation Mission (IEOM) to the presidential elections in Georgia on 4 January 2004. The findings state that the elections demonstrated notable progress over previous elections. The conduct of the elections has brought Georgia closer to meeting international standards for democratic elections.

The high rate of participation of the Georgian population in the election and the clear and broad mandate given to Mr. Saakashvili represent a very positive signal for the future of Georgia.

The presidential election has opened up new opportunities for Georgia. The European Union now looks forward to helping Georgia and the other countries of the South Caucasus to come closer to the European family. In this context, the European Union restates its willingness to assist Georgia through the range of European Union instruments and policies. It looks forward to Georgia having the benefit of close and cooperative relations with all its neighbours.

The European Union welcomes Mr. Saakashvili's first public comments following his victory on the need to combat corruption and to uphold the rule of law. Progress in this reform programme will facilitate increased international support and engagement in Georgia's development. The European Union calls upon all parties in Georgia to work with the President-elect on the much-needed reforms, and to conclude an agreement with the International Monetary Fund to allow for full and effective international financial assistance.

The European Union has also taken note of the remaining concerns and of the summary recommendations on the forthcoming parliamentary elections in Georgia, included as part of the IEOM statement, on issues such as equal conditions and equal media access for all parties and improvement of voter registration. Assistance to enable the preparation of free and fair elections in Georgia remains high on the European Union agenda. We expect the Georgian authorities to establish a realistic timetable so that the progress made in these presidential elections can be sustained and the specific recommendations can be addressed.

The European Union High Representative Javier Solana has requested the European Union Special Representative for the South Caucasus, Ambassador Heikki Talvitie, to visit Tbilisi shortly to assess how the European Union may best assist the new leadership.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia align themselves with this statement.

United Nations S/2004/44

Security Council

Distr.: General
20 January 2004

Original: English

Letter dated 12 January 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the situation in Darfur issued on 7 January 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

04-21517 (E) 210104

Annex to the letter dated 12 January 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement on the situation in Darfur issued on 7 January 2004 by the Presidency on behalf of the European Union

The European Union continues to actively monitor the evolving situation in the Sudanese region of Darfur and expresses its deep concern for the rapidly deteriorating humanitarian situation on the ground.

The European Union calls upon the Government of the Sudan and the Sudan Liberation Army to fully respect the ceasefire agreement signed on 3 September, which commits both parties to consolidate peace and stability and calls upon them to go back to the negotiating table in order to work jointly, rapidly and intensively to reach a settlement. The European Union urges the parties to deploy the maximum effort to ensure the full respect for human rights and the protection of the civilian population. The European Union urges the parties to ensure full and unimpeded access by relevant United Nations bodies and agencies and other humanitarian actors.

The European Union stands ready to assist the parties in each field they deem appropriate.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries Bulgaria, Romania and Turkey and the EFTA countries, members of the European Economic Area, align themselves with this statement.

United Nations S/2004/45

Security Council

Distr.: General
20 January 2004

Original: English

Letter dated 12 January 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the death penalty in Myanmar issued in Rome on 31 December 2003 by the Italian Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

04-21523 (E) 300104

Annex to the letter dated 12 January 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement on the death penalty in Myanmar issued in Rome on 31 December 2003 by the Italian Presidency on behalf of the European Union

The European Union is deeply concerned about the nine death sentences issued on 28 November 2003 by the Myanmar authorities.

The European Union expressed its grave concern in a démarche with the Myanmar Ministry of Foreign Affairs carried out by the Presidency on 12 December 2003.

The European Union believes that the death penalty is a contravention of the right to life and of human dignity, and it is therefore committed to working towards its universal abolition.

The European Union urges all States that have not yet abolished the death penalty to ensure full respect for international safeguards, in particular the minimum procedural guarantees for a fair trial contained in article 14 of the International Covenant on Civil and Political Rights and the safeguards guaranteeing protection of the rights of those facing the death penalty set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries Bulgaria, Romania and Turkey and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

United Nations S/2004/46

Security Council

Distr.: General
20 January 2004

Original: English

Letter dated 12 January 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the killing of Archbishop Michael Courtney in Burundi, issued on 8 January 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

04-21562 (E) 220104

Annex to the letter dated 12 January 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement on the killing of Archbishop Michael Courtney in Burundi issued on 8 January 2004 by the Presidency on behalf of the European Union

The European Union condemns firmly the death of the Apostolic Nuncio in Burundi, Archbishop Michael Courtney, brutally murdered during a road ambush in Minago, and expresses its deep sympathy to his family and the Holy See.

The European Union pays homage to the figure of Archbishop Michael Courtney, whose commitment to alleviating the enormous suffering of the local population and to stopping the violence was highly appreciated by the Burundian people and the international community.

The European Union urges the Government of Burundi to clarify the circumstances under which the assassination occurred and expects that the perpetrators of this crime will be brought to justice. The European Union hopes that this heinous shooting does not jeopardize the implementation of the peace process.

The European Union calls upon the National Liberation Forces movement to abandon the military option, which aggravates the enormous suffering already visited upon the population.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries Bulgaria, Romania and Turkey and the EFTA countries, members of the European Economic Area, align themselves with this statement.

United Nations S/2004/47

Security Council

Distr.: General
20 January 2004

Original: English

Letter dated 12 January 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on Azerbaijan: political prisoners, issued on 9 January 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

04-21549 (E) 220104

Annex to the letter dated 12 January 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement on Azerbaijan: political prisoners, issued on 9 January 2004 by the Presidency on behalf of the European Union

The European Union welcomes the official decree issued by the President of Azerbaijan on 29 December 2003 in which 160 prisoners were pardoned, more than one third of whom were political prisoners. The European Union acknowledges this as a positive step forward by Azerbaijan in respect of its obligations to the Council of Europe. However, the European Union remains concerned about the situation of those arrested following the disturbances on 16 October 2003, and urges the Azeri authorities to ensure that they will soon be brought to a fair and open trial or released.

The European Union encourages the Government of Azerbaijan to continue to demonstrate its commitment to fulfil its undertakings to the Council of Europe and the Organization for Security and Cooperation in Europe.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the candidate countries Bulgaria and Romania, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

United Nations S/2004/48

Security Council

Distr.: General
20 January 2004

Original: English

Letter dated 15 January 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the first anniversary of the inauguration of President Gutierrez of Ecuador, issued on 14 January 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

04-21570 (E) 220104

Annex to the letter dated 15 January 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the first anniversary of the inauguration of President Gutierrez of Ecuador, issued on 14 January 2004 by the Presidency on behalf of the European Union

On the occasion of the first anniversary of the inauguration of President Gutierrez, the European Union reaffirms its support for his democratically elected Government, for the democratic institutions of Ecuador and for the people of Ecuador who freely expressed their desire for democratic change and political reform in the elections held in November 2002.

Stressing the importance of full respect for the fundamental values of democracy, freedom and justice, the European Union underlines that only the rule of law and good governance can provide a solid basis for political stability, social cohesion and economic development, which will in turn create the most advantageous conditions for further European cooperation and direct investment.

The European Union encourages the continuation of the economic policies implemented by the Government of Ecuador throughout these past 12 months. In this regard, the European Union attaches particular importance to the fight against poverty and corruption.

In the context of its friendship and cooperation with Ecuador, the European Union underlines the importance of a comprehensive national dialogue, which would help to strengthen the democratic institutions of the State and to establish a more effective presence of the State, and equitable delivery of public services, throughout the national territory. National dialogue would also help to achieve sound and effective reforms as well as political and economic stability, which would contribute to growing national wealth, social cohesion and improved living standards for all citizens.

The European Union stands ready to continue to support the implementation of these goals, which should contribute to the strengthening of democracy in Ecuador.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the candidate countries Bulgaria, Romania and Turkey, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

United Nations S/2004/49

Security Council

Distr.: General
20 January 2004
English
Original: French

Letter dated 19 January 2004 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you the Final Communiqué of the Forum of Burundi's Development Partners, which was just held in Brussels on 13 and 14 January 2004.

At the close of the Forum, Burundi's international partners announced their intention to finance a total of 810 million euros, or US$ 1.032 billion to cover the following priority programme for the second phase of the transition:

- Economic recovery;
- Capacity-building for good governance;
- Repatriation of refugees and rehabilitation of *sinistrés* (survivors); and
- Establishment of a new defence and security force.

The President of the Republic, Mr. Domitien Ndayizeye, expressed his gratitude to Burundi's partners for their support to the peace process and asked me to tell you how much the Security Council's appeal for funds contributed to the success of the Forum's work.

The Government of Burundi requests the Council's support once again in ensuring that the amounts pledged are actually disbursed. It also hopes that, in the current phase, the Council will strengthen its support to the peace process in Burundi, particularly through the following actions:

- Takeover of the responsibilities of the African mission in Burundi (AMIB) by a United Nations peacekeeping operation; and
- Assistance in combating impunity.

I should be grateful if you would have this letter and the communiqué contained in the annex circulated as a document of the Security Council.

(*Signed*) Marc **Nteturuye**
Ambassador
Permanent Representative

04-21813 (E) 260104 260104

Annex to the letter dated 19 January 2004 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

Final communiqué

A Forum of Burundi's Development Partners was organized on 13 and 14 January 2004 in the Palais d'Egmont in Brussels. This meeting, following the international conference on Burundi held in Paris in December 2000 and the round tables held in Geneva in December 2001 and November 2002, was sponsored by the Government of the Kingdom of Belgium with technical support from the United Nations Development Programme (UNDP).

The objective of the meeting was to introduce the international community to the emergency programme in the second phase of the transition, which should culminate in the adoption by referendum of a post-transition constitution and the organization of communal, legislative and presidential elections. This emergency programme deals with problems relating to budgetary and balance-of-payments support, capacity-building for good governance, reform of the defence and security corps, and the rehabilitation of *sinistrés* (survivors).

The delegation of Burundi was headed by His Excellency Mr. Domitien Ndayizeye, President of the Republic of Burundi. He was accompanied by Mr. Thérence Sinunguruza, Minister for Foreign Affairs and Cooperation, Mr. Simon Nyandwi, Minister of the Interior, Mr. Vincent Niyungeko, Minister of Defence, Ms. Séraphine Wakana, Minister of Planning, Development and Reconstruction, Ms. Françoise Ngendahayo, Minister for Reintegration and Resettlement of Displaced Persons and Returnees, Mr. Antoine Butoyi, Minister of Peace Mobilization and National Reconciliation, Mr. Athanase Gahungu, Minister of Finance, Mr. Salvator Toyi, Governor of the Bank of the Republic of the Burundi, and senior officials of the Burundi civil service. The Conference deliberations were chaired by Her Excellency, Ms. Séraphine Wakana, Minister of Planning, Development and Reconstruction, Mr. Marc Verwilghen, Belgian Minister of Cooperation and Mr. Jacques Loup, Deputy Director of the UNDP Regional Bureau for Africa.

The following countries and organizations participated in this Conference: Austria, Belgium, Canada, the Czech Republic, China, Denmark, Finland, France, Gabon, Germany, Greece, Ireland, Italy, Japan, Libyan Arab Jamahiriya, Netherlands, Norway, Poland, the Russian Federation, Slovenia, South Africa, Spain, Sweden, Switzerland, the United Kingdom, United States of America and the Holy See; the European Commission, the Intergovernmental Agency for Francophonie, the African Development Bank (ADB), the World Bank, the United Nations, Ad Hoc Advisory Group on Burundi (Economic and Social Council), International Fund for Agricultural Development (IFAD), International Monetary Fund (IMF), Saudi Development Fund, Organization of Petroleum Exporting Countries (OPEC), Office for the Coordination of Humanitarian Affairs (OCHA), Economic Commission for Africa (ECA), United Nations Conference on Trade and Development (UNCTAD), African Capacity-building Foundation (ACPF), the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees

(UNHCR), the Office of the United Nations High Commissioner for Human Rights (UNHCHR), Food and Agriculture Organization of the United Nations (FAO), the United Nations Industrial Development Organization (UNIDO), the Organisation for Economic Cooperation and Development (OECD), the World Health Organization (WHO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Labour Office (ILO), the World Food Programme (WFP), the United Nations Development Programme (UNDP), the African Union and the African mission in Burundi (AMIB), the secretariat of the Council of the European Union, the secretariat of the Multi-Country Demobilization and Reintegration Programme (MDRP), the African Union, and the United Nations Centre for Human Settlements (HABITAT).

The Conference took note of the respective messages of the Deputy Prime Minister and Minister for Foreign Affairs of the Kingdom of Belgium, the Minister for Development Cooperation of the Kingdom of Belgium, the Minister for Development Cooperation of the Republic of Ireland on behalf of the European Union and the Minister for Development Cooperation and Francophony of the French Republic, the Special Representative of the Secretary-General for Burundi and the Chairman of the Arusha Agreement Implementation Monitoring Committee, the representative of the President of the African Union and the Chairman of the Ad Hoc Advisory Group of the Economic and Social Council.

In their statements, the speakers mainly pointed out that this fourth Forum of Burundi's Development Partners came at a crucial time for the country's future because, as they stressed, today there is hope that peace, so long awaited by the Burundian people, will finally become a reality.

They also stressed that peace in Burundi will contribute to the stabilization of the region and that this country, which paid so dearly during the war and made tremendous sacrifices for peace, today deserves strong support from its partners to ensure the success of the second phase of the transition so that it might move from the humanitarian assistance phase towards that of sustainable development aid, a precondition for enduring peace and security.

Before delivering his solemn statement, the President of the Republic asked participants to observe a minute of silence in memory of the late Monseigneur, the papal nuncio, representing the Holy See in Burundi, who had been brutally murdered on a peace and reconciliation mission in Burundi.

In his opening statement, the President of the Republic enumerated his Government's achievements, within the context of implementing the Arusha Agreement, particularly with regard to alternating a Hutu and Tutsi at the helm of Government; the integration of the principal armed faction into national political and security institutions; and the establishment of a broad coalition Government.

He then presented the priority programme for the second phase of the transition in order to respond to major challenges, including a new defence and security force, the rehabilitation of *sinistrés* (survivors), economic recovery and capacity-building for good governance.

The participants noted with satisfaction the signing of the Global Ceasefire Agreement of 16 November 2003 and the Pretoria Protocol, which call for sharing political power and responsibility for defence and security with the Conseil National pour la Défense de la Démocratie — Forces pour la Défense e la Démocratie

(National Council for the Defence of Democracy — Forces for the Defence of Democracy) (CNDD-FDD) and its participation in all transitional institutions, and the fact that the Government and the Forces nationales de libération (FNL)-Rwasa expressed a mutual desire to enter into discussions.

The Conference expressed the wish that those achievements would lead to a comprehensive and lasting ceasefire and, to that end, urged the last armed movement to join the peace process without delay, in order that the Burundian people might fully benefit from the dividends of peace.

The participants noted with concern the profound deterioration in Burundi's economic, social and financial situation. In that regard, they were reassured by the reforms undertaken by the Government, with the support of the Bretton Woods institutions, with a view to establishing a triennial programme supported by the Poverty Reduction and Growth Facility (FRPC/PRGF).

This programme should enable Burundi to accede promptly to the Heavily Indebted Poor Countries Debt Initiative (HIPC). In the same framework the Conference recommended that the Government of Burundi should be provided with budgetary and balance-of-payments support through rapid disbursement mechanisms. In exchange, the Government has already undertaken to ensure the transparent management of the resources placed at its disposal.

The Conference also urged Burundi's partners to find a lasting solution to the multilateral debt, in particular through significant contributions to the trust fund established for that purpose.

Regarding the arrears on the multilateral debt, the Conference encouraged the donors, including the ADB, to continue their efforts to find appropriate solutions.

The Conference commended the bilateral donors that have already agreed to cancel their debts, as well as those that have kindly agreed to contribute to the trust fund for the multilateral debt, and encouraged those that had not yet done so to follow suit.

The participants recognized that the programme on strengthening capacities for good governance was the backbone of the Arusha Agreement. To that end, they recommended that special attention be given to the electoral process, decentralization, strengthening of community capacities and the promotion, and protection of human rights.

Most of the partners indicated that they had already funded programmes to strengthen good governance and were willing to continue doing so.

The Conference stressed that the strengthening of capacities for good governance was a horizontal issue and, as such, should be considered in all activities conducted by the Government.

The Conference welcomed the progress achieved in providing support for the process of reforming the defence and security bodies, in particular through the establishment of a national disarmament, demobilization, reinsertion and reintegration programme for ex-combatants in the framework of the Multi-country Demobilization and Reintegration Programme, the joint operations plan and the establishment of the African mission in Burundi and of the Joint Ceasefire Commission.

For a successful conclusion of the programme for the reform of the defence and security bodies, the Conference recommended the establishment of a committee of experts to advise the Government. The conference also recommended that a rapid solution be found for the perpetuation of a peacekeeping force, as far as possible under United Nations auspices, since the restoration of peace in Burundi could in the near future be jeopardized by the lack of an international armed force.

To that end, participants considered that the success of that programme was crucial to the consolidation of peace, and urged the partners to work together to provide the support needed for its implementation.

Regarding the National Programme for the Rehabilitation of *Sinistrés* (Survivors), the participants considered that the restoration of peace would entail a mass return of refugees, who would need to be accommodated.

The Conference took note of the establishment of national structures to carry out the programme and recommended that special attention be given to implementing the programme through the provision of institutional support to the National Commission for the Reinsertion of *Sinistrés* (Survivors) and through contributions to the National Fund for *Sinistrés* (Survivors).

The Conference considered that the Programme for the Rehabilitation of *Sinistrés* (Survivors) was one of the key success factors for the peace process and deserved special attention and appropriate support.

The participants recommended that the Government should take a few specific aspects into account in the preparation and execution of the programme:

(i) rational management of the land issue,

(ii) rehabilitation of production infrastructures,

(iii) peaceful cohabitation between resettled *sinistrés* (survivors) and those who stayed in the hills,

(iv) appropriate complementarity and coordination between the programme and other development programmes.

The participants were of the view that sustainable, indeed permanent, solutions to Burundi's emergency and development problems should be approached from a subregional perspective. They should contribute to and draw on subregional efforts to stabilize the Great Lakes region.

The Conference also recommended that special attention be given to good governance, a human rights culture and mine risk eradication. It encouraged the Government of Burundi to pursue its peace-building and democratization efforts. It also pledged its political, diplomatic and financial support.

Burundi's international partners announced their funding intentions, which amounted to €810 million, or US$ 1.032 billion. They indicated their willingness to continue their dialogue with the Government of Burundi in the framework of the round-table process.

The Conference underscored the importance of coordination of donors' activities, in which the Government was expected to play an important role. In that connection, the Conference decided to set up a committee to follow up the Forum of

Burundi's Development Partners, chaired by the Government and made up of government representatives and donors. The committee would meet monthly.

Until the final PRSP was ready, the partners felt that it would be advisable to establish, jointly, a "road map" linking the major programmes presented (demobilization, reform of the defence and security sectors, reintegration, reinsertion, strengthening of capacities, budgetary and balance-of-payments support, etc.), in order to define needs and make it possible to establish a rapid and coordinated response strategy. That document would be made available at the first meeting of the follow-up committee.

The participants also agreed to meet towards the end of the first quarter of 2004 in Bujumbura to further develop the following three themes:

Integrated trade framework,

Mobilization of funding for the electoral process,

Implementation of the programme for the rehabilitation of *sinistrés* (survivors)

Implementation of the programme of demobilization and reintegration in the framework of disarmament.

They also decided to meet annually, preferably in Bujumbura, in order to take stock of Burundi's political, economic and social evolution.

The "Writing the history of Burundi" project was the subject of a special session chaired by the Minister in charge of Peace Mobilization and Reconciliation in Burundi. It was agreed that UNESCO, together with the ministry in charge of the project, would follow up the session with the donors interested in funding the project.

Done at Brussels, 14 January 2004.

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Report of the Secretary-General on the United Nations Interim Force in Lebanon

(for the period from 24 July 2003 to 19 January 2004)

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1496 (2003) of 31 July 2003, by which the Council extended the mandate of the United Nations Interim Force in Lebanon (UNIFIL) for a further period of six months, until 31 January 2004. It covers developments since my previous report, dated 23 July 2003 (S/2003/728).

II. Situation in the area of operation

2. During the reporting period, the situation in the UNIFIL area of operation was marked by numerous incidents threatening the fragile stability of southern Lebanon. The relative calm that had prevailed in the first half of the year gave way to renewed exchanges of fire in the Shab'a farms area. Air strikes and shooting incidents across the Blue Line resulted in the deaths of three Israelis, two soldiers and a civilian, and three Lebanese civilians. The persistent Israeli violations of Lebanese airspace and several instances of Hizbollah anti-aircraft fire directed towards Israeli villages contributed significantly to the tension. Roadside explosive devices found on four occasions along the Blue Line adjacent to the Israel Defense Forces (IDF) patrol route further strained relations between the parties.

3. A significant escalation of hostilities took place in early August. On 8 August, after a six-and-a-half-month lull, Hizbollah fired missiles, mortars and small arms rounds at IDF positions in the Shab'a farms area. IDF returned fire with mortars, artillery and aerial bombs into the vicinity of Kafr Shuba and points west and north, as well as rockets and machine-gun fire directed at Hizbollah positions in the vicinity. Later that day and on 9 August, Hizbollah fired anti-aircraft rounds from the general areas of Yarun and Sadra, and again on 10 August from a position near Alma ash Shab. Several of those shells landed in the Israeli village of Shelomi, killing a teenage boy and injuring four other civilians. IDF responded with an air strike on a Hizbollah position near Tayr Harfa, with no casualties reported.

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4. In the aftermath of the Israeli air strike in the Syrian Arab Republic on 5 October, two violent incidents occurred along the Blue Line. In the first, on 6 October, reported sniper fire by unidentified elements, apparently from the Lebanese side of the line, killed an Israeli soldier in an area south of Metulla. IDF retaliatory fire damaged a passing UNIFIL vehicle, two civilian vehicles and the surrounding houses, but caused no injuries. On 7 October, three rockets were fired towards Israel from the general area of Hula by unidentified elements from the Lebanese side of the line. Two landed in Lebanon, one of which fell on a house, killing a child and seriously injuring another. The third rocket landed on the Israeli side but caused no damage.

5. On 27 October, Hizbollah and IDF again exchanged fire in the Shab'a farms area. The exchange began with Hizbollah firing rockets and mortars at IDF positions in the area, prompting IDF retaliation across the line using artillery, mortar and tank rounds and aerial bombs. Both IDF and Hizbollah fire extended south, almost to the village of Ghajar. One civilian was reported to have suffered minor injuries in the village of Kaoukaba on the Lebanese side.

6. In a new development, on several occasions during the reporting period roadside explosive devices were discovered along the Blue Line adjacent to the IDF patrol road. On 5 November, IDF informed UNIFIL that it had located a set of booby-trapped explosive devices in the vicinity of the village of Ghajar. On 9 and 12 December, IDF informed UNIFIL that similar sets of devices had been discovered west of United Nations position 1-21 a few hundred metres apart, and on 4 January reported another such discovery next to the technical fence south of Tayr Harfa. All four sets of devices were discovered on Israeli territory between the withdrawal line and the technical fence. UNIFIL was able to confirm their existence before they were disposed of by IDF. On 13 October, IDF had alleged that another set of booby-trapped explosives was planted on the Lebanese side of the Line south of Alma ash Shab, in the western sector. UNIFIL notified the Lebanese authorities and investigated the site, but was unable to confirm the presence of explosive devices in that location.

7. The two most recent incidents underscored the dangers inherent in the current conditions. On 9 December, IDF shot and killed two Lebanese civilians carrying hunting rifles who were on the Israeli side of the Blue Line but on the Lebanese side of the technical fence. The area, near the Wazzani Springs, is visited frequently by Lebanese shepherds and hunters and is near the location where the explosive devices were found in November. On 19 January, Hizbollah fired an anti-tank round at an IDF bulldozer that had crossed the Blue Line into Lebanon while working to remove the explosive device reported on 4 January. One IDF soldier was killed and another wounded.

8. The recurrent Israeli air incursions into Lebanon continued. The numbers abated at times but periods of little or no activity were invariably followed by an intensification of overflights. As in the past, many of the Israeli aircraft penetrated deep into Lebanon, often generating sonic booms over populated areas. The pattern identified in my previous reports continued, whereby some aircraft would fly out to sea and enter Lebanese airspace north of the UNIFIL area of operation, thus avoiding direct observation and verification by UNIFIL.

9. Hizbollah continued to react to the air incursions with anti-aircraft fire, though only sporadically in the latter half of the reporting period. On one occasion, on 3

September, Israeli jets violated Lebanese airspace, and Hizbollah promptly fired anti-aircraft rounds in the direction of the IDF position near Zarit. Shrapnel ignited agricultural land close to the town of Shomera, but caused no casualties. A few hours later, Israeli jets carried out an air strike on a Hizbollah position close to the village of Al-Bayyadah, also resulting in no reported casualties.

10. I, my senior representatives in the region and concerned Member States made repeated calls upon the Governments of Lebanon and Israel to cease all violations of the Blue Line and to refrain from actions with escalatory potential. While the parties exercised restraint at some moments of high tension, the parties' failure to fully heed those calls and respect the Blue Line in its entirety resulted in tragic losses of life on both sides.

11. Demonstrators on the Lebanese side of the Blue Line gathered periodically at the points of friction identified in my previous reports, Sheikh Abbad Hill, east of Hula, and Fatima gate, west of Metulla, to throw stones and other objects towards Israeli positions across the line. UNIFIL also recorded a number of minor ground violations of the line, primarily by Lebanese shepherds. One Syrian national was apprehended by IDF after having crossed the Blue Line. With UNIFIL intervention, IDF returned him the next day.

12. The Lebanese Joint Security Forces and the Lebanese Army continued to operate in the areas vacated by Israel in May 2000. The strength and activity of the Joint Security Forces remained the same, apart from an increase in their activities and a more visible presence in the first half of October, when regional and local tensions were heightened. In a welcome statement made at that time, the Lebanese Central Security Council strongly reaffirmed the Joint Security Forces' task of safeguarding stability and calm and preventing any attempt by any group to undermine security in the area. Nevertheless, the Government of Lebanon continued to maintain the position that, so long as there is no comprehensive peace with Israel, Lebanese armed forces will not be deployed along the withdrawal line.

13. Under these circumstances, Hizbollah maintained its visible presence near the line through its network of mobile and fixed positions. On the whole, Hizbollah refrained from interfering with the freedom of movement of UNIFIL during the reporting period.

14. The integration of the formerly occupied zone with the rest of the country, including infrastructure, health and welfare systems, as well as postal services and communications, continued, although at a slow pace. Official local governing structures generally exercised their authority.

15. UNIFIL provided assistance to the civilian population in the form of medical care, water projects, equipment and services for schools and orphanages, and social services for the needy. This assistance was provided from resources made available primarily by troop-contributing countries. UNIFIL cooperated closely on humanitarian matters with the Lebanese authorities, United Nations agencies, in particular the Economic and Social Commission for Western Asia and the United Nations Children's Fund, the International Committee of the Red Cross and other organizations and agencies operating in Lebanon.

16. Since 9 August 2001, UNIFIL has been providing shelter, food and medical assistance to a group of 46 Iraqi Kurds, including women and children, who had crossed illegally from Lebanon to Israel and were consequently returned by the

Israeli army to the Lebanese side of the crossing at Naqoura. The group has been accommodated on a small plot of land between the Israeli and Lebanese gates. On 25 October, 16 of them were repatriated to Iraq by the Office of the United Nations High Commissioner for Refugees (UNHCR). The rest of the group insisted, however, on being resettled in a third country. UNHCR is continuing to work with local authorities in cooperation with my Personal Representative and UNIFIL to find a solution for those remaining.

17. The presence of a large number of minefields in the UNIFIL area of operation, which are now largely concentrated along the Blue Line because other sectors have been cleared of mines, remained a matter of serious concern. Since July, five Lebanese civilians have been injured as a result of exploding mines and ordnance, while one member of a commercial demining team was injured during mine-clearing operations.

18. Successful collaboration between the United Nations, the Government of Lebanon and various donors continued to yield impressive landmine clearance results in southern Lebanon. Continuing its rate of progress, the Operation Emirates Solidarity project, funded by the United Arab Emirates, resulted in a further half million square metres of previously contaminated land being returned to productive usage and a further 20,000 landmines being located and destroyed. This brought the total area of land cleared to approximately 4.8 million square metres. The United Nations, through my Personal Representative and the United Nations Development Programme (UNDP), continued to coordinate international assistance to the Government of Lebanon in the framework of the International Support Group for Mine Action. The major achievements in the demining process have highlighted the need for a concerted effort to address the socio-economic and rehabilitation requirements of formerly mine-affected areas. Appeals continued to be launched in the context of the International Support Group and the "trees instead of mines" initiative for southern Lebanon.

19. My Personal Representative continued to work in close collaboration with UNDP and other United Nations agencies in advocating socio-economic needs and facilitating the funding and implementation of development projects in the south. UNDP continued to lead the efforts of the United Nations system in working with the Lebanese authorities for the development and rehabilitation of the south.

III. Organizational matters

20. UNIFIL remained focused on maintaining the ceasefire through mobile and air patrols along the Blue Line, observation from fixed positions and close contact with the parties, the latter with a view to correcting violations, resolving incidents and preventing escalation. The United Nations Truce Supervision Organization (UNTSO), through Observer Group Lebanon, supported UNIFIL in the fulfilment of its mandate.

21. As at 31 December 2003, UNIFIL comprised 2,000 troops, from France (202), Ghana (650), India (650), Ireland (7), Italy (53), Poland (238) and Ukraine (200). UNIFIL was assisted in its tasks by 52 UNTSO military observers. A map showing the current deployment of UNIFIL is attached. In addition, UNIFIL employed 415 civilian staff, of whom 119 were recruited internationally and 296 locally. Major

General Lalit Mohan Tewari continued as Force Commander. Staffan de Mistura continued to act as my Personal Representative for Southern Lebanon.

22. I regret to report the deaths of two members of the Force, a Ghanaian soldier who died of natural causes and a French soldier who was killed in an accident. Since the establishment of UNIFIL, 244 members of the Force have lost their lives, 78 as a result of firings or bomb explosions, 104 as a result of accidents and 62 from other causes. Gunfire and mine explosions wounded a total of 344.

IV. Financial aspects

23. By its resolution 57/325 of 18 June 2003, the General Assembly appropriated the amount of $90 million gross, equivalent to a monthly rate of $7.5 million gross, for the maintenance of the Force for the period from 1 July 2003 to 30 June 2004. Should the Council decide to extend the mandate of UNIFIL beyond 31 January 2004, as recommended in paragraph 32 below, the cost of its maintenance would be limited to the monthly rate approved by the General Assembly.

24. As at 30 November 2003, unpaid assessments to the Special Account for UNIFIL for the period from its inception to 31 January 2004 amounted to $75.2 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1,147.9 million.

V. Observations

25. There were a substantial number of unfortunate incidents involving the use of force in the UNIFIL area of operation, particularly during the first half of the period under review. Though the violent incidents and serious breaches of the Blue Line that took place were contained, they led to the deaths of six individuals, Lebanese and Israeli. Tensions were frequently high and the situation fragile. The potential for escalation was plainly demonstrated by the chain of events in early August and the first week of October. Members of the Security Council have used the opportunity afforded by the monthly briefings on the situation in the Middle East repeatedly to exhort the parties to refrain from any and all violations of the Blue Line. I wish to stress the need for all parties to abide fully by their obligations under the Security Council's resolutions, to exercise restraint and to respect the withdrawal line in its entirety in order to avoid deterioration of the situation on the ground.

26. It remains a matter of concern that Israel persists in its provocative air violations of sovereign Lebanese territory. Hizbollah's firing of anti-aircraft rounds across the Blue Line is also a violation, and one that poses obvious mortal risk. Israel's air strikes against Hizbollah positions added a serious new dimension to the cycle. I note that in recent weeks, Hizbollah use of anti-aircraft weaponry has declined; I hope this trend will continue. I again call upon the Governments of Israel and Lebanon to ensure that all such violations cease.

27. I note with concern the discovery of explosive devices planted along the Blue Line. Their presence undermines stability and endangers lives on both sides of the line, including those of UNIFIL personnel. Hizbollah's attack on an IDF team in the process of removing one of those devices was a regrettable escalation. UNIFIL will continue to work closely with the parties to facilitate the verification of such devices

when they are found. The neutralizing of explosive devices is the duty of the parties, and UNIFIL will continue to lend them its liaison support in this regard.

28. The Government of Lebanon has demonstrated its capacity to exercise its authority throughout southern Lebanon, particularly through the activities of the Joint Security Forces and the Lebanese Army during periods of heightened regional and local tension. I reiterate the Security Council's call for the Government of Lebanon to extend these measures, including the deployment of Lebanese armed forces in the south, and to do its utmost to ensure calm. I urge the Government to exert control over the use of force on its entire territory and to prevent all attacks across the Blue Line.

29. I note the success in demining over the past year and its promise for southern Lebanon's social and economic development. The rate and pace of development needs to be accelerated by bold and pragmatic measures by all concerned if stability is to be the outcome. In this respect, I urge both the Government of Lebanon and the international donors to bolster their efforts. The United Nations remains strongly committed to assisting Lebanon in its economic rehabilitation of the south.

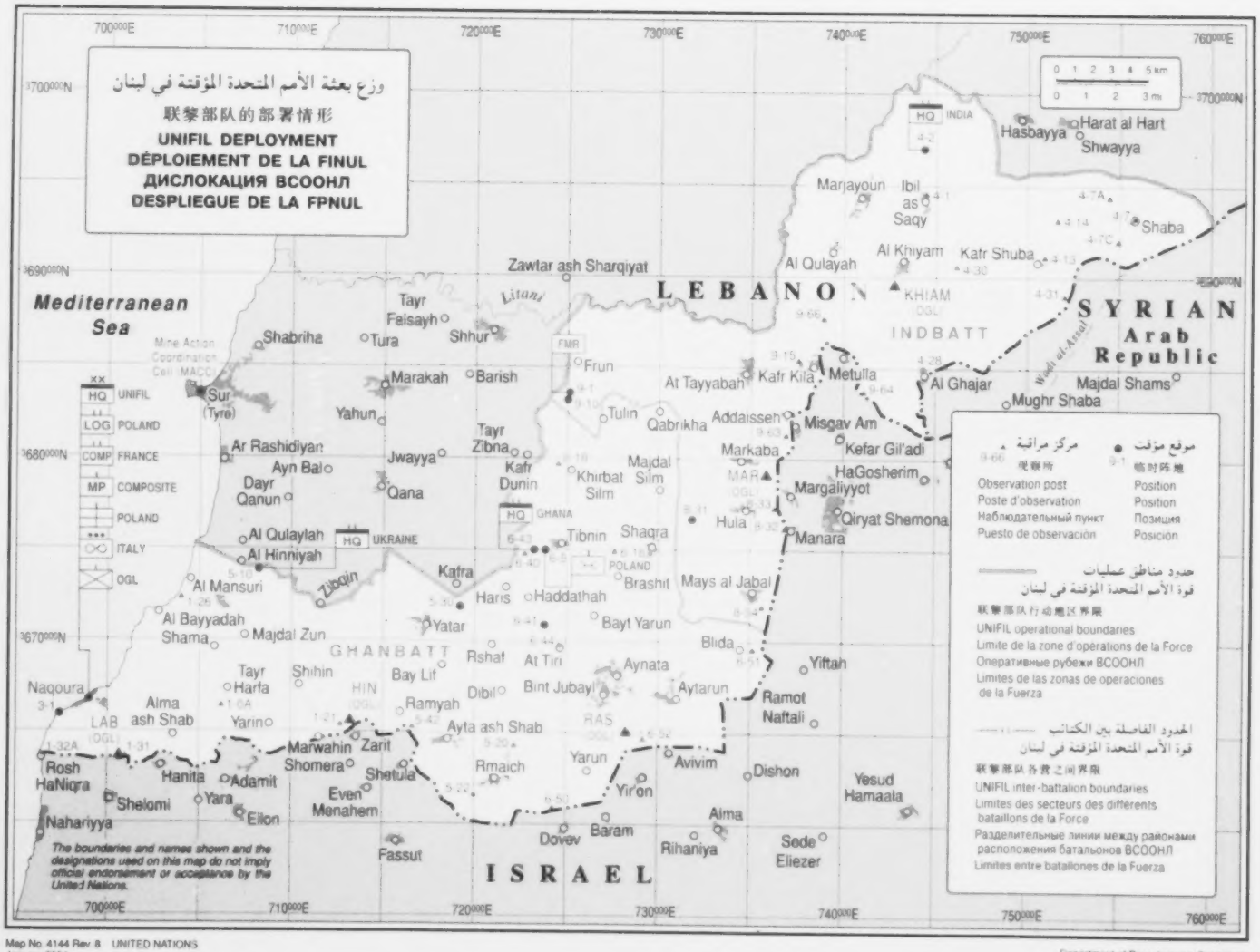
30. UNIFIL will continue to contribute to the restoration of international peace and security by observing, monitoring and reporting on developments in its area of operation and maintaining liaison with the parties to preserve calm. My Personal Representative will continue in close consultation with the Special Coordinator to lend the political and diplomatic support of the United Nations to the parties to establish lasting peace and security in southern Lebanon.

31. We have seen that the situation along the Blue Line is susceptible to volatile regional developments. This, again, underscores the need to achieve a comprehensive, just and lasting peace in the Middle East, based on all the relevant resolutions of the Security Council, including resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003).

32. In a letter dated 14 January 2004 (S/2004/35), the Permanent Representative of Lebanon to the United Nations conveyed to me his Government's request that the Security Council extend the mandate of UNIFIL for a further period of six months. In the light of conditions prevailing in the area, I recommend that the Security Council extend the mandate of UNIFIL until 31 July 2004.

33. I must again draw attention to the serious shortfall in the funding of the Force. At present, unpaid assessments amount to $75.2 million. Eventually, this represents money owed to the Member States contributing the troops that make up the Force. I appeal to all Member States to pay their assessments promptly and in full and to clear all remaining arrears. I should like to express my gratitude to the Governments contributing troops to the Force for their understanding and patience.

34. In conclusion, I wish to express my appreciation to Terje Roed-Larsen, the Special Coordinator, and Staffan de Mistura, my Personal Representative, and to pay tribute to Major General Lalit Mohan Tewari and the men and women of UNIFIL for the manner in which they have carried out their tasks. Their discipline and bearing have been of a high order, reflecting credit on themselves and the United Nations.



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Letter dated 19 January 2004 from the Permanent Representative of Myanmar to the United Nations addressed to the President of the Security Council

I have the honour to draw your kind attention to paragraph 56 and annex II of the fourth report of the Secretary-General to the Security Council (A/58/546-S/2003/1053) dated 10 November 2003, on children and armed conflict.

With regard to Myanmar, the report listed Tatmadaw Kyi (government army) in annex II, entitled "Other parties to armed conflict that recruit or use children in armed conflict". The inclusion of Myanmar in the report is the end result of a disinformation campaign intended to discredit the Myanmar Armed Forces at a time when the Government is promoting all-round development, peace and stability in the country. It may be further recalled that the inclusion of the Myanmar Armed Forces in the report is a consequence of an unsubstantiated allegation published by Human Rights Watch, a non-governmental organization, which arrives at the surprising figure of 70,000 child soldiers in the Myanmar Armed Forces on the basis of interviews with 20 or so military deserters of dubious credibility living in a neighbouring country.

The Myanmar Armed Forces is an all-volunteer force, and those entering military service do so of their own free will. A person can enlist in the armed forces only on attainment of the age of 18. There is neither a draft system nor forced conscription by the Government of Myanmar. Forced conscription in any form is strictly prohibited throughout the country. For those who were found to have disobeyed the orders, action had been taken under military law.

In this regard I wish to stress that Myanmar has established domestic legal legislation to prevent recruitment of child soldiers under the Myanmar Defence Services Act of 1947. The War Office Council's Instruction No. 13/73, dated 3 January 1974, unambiguously stipulated that the new recruits into military service must attain the age of 18 and not exceed the age of 25. In order to enforce the voluntary nature of recruitment as well as the age requirement, the Office of the Adjutant General, Ministry of Defence, has periodically issued instructions, some of which are cited below:

(a) The Office of the Adjutant General, in its Circular No. 131/Ye 1 (Ka), dated 2 November 1993, once again issued instruction that the age qualification of 18 to 25 years must be strictly adhered to in recruiting soldiers into military service;

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(b) The Office of the Adjutant General, in its Circular No. 1/131 Ye 1 (Ka), dated 2 October 1997, prohibiting forced recruitment, explicitly stipulated the following:

- Not to recruit persons who do not wish to enter military service voluntarily
- To verify that new recruits entering military service do so voluntarily before handing them over to relevant recruiting units
- If any new recruit is found to have been recruited against his will, he must be returned to his guardian
- To forbid forced recruitment, maltreatment of recruits and recruitment to obtain monetary benefits. To take appropriate actions that are commensurate with the gravity of the offence against offenders who contravene these instructions

(c) The Office of the Adjutant General, in its Circular No. 131/Ye 1 (Kha), dated 5 April 2000, concerning the recruitment of qualified new soldiers, once again emphasized the age requirements for new recruitment as between 18 and 25 years. It reiterated the instruction not to recruit those who are either under age or do not wish to join voluntarily;

(d) The Office of the Adjutant General, in its Circular No. 131/Ye 1 (Kha), dated 25 April 2000, in reiterating 18 years as the minimum age qualification for recruitment in accordance with War Office Council Instruction No. 13/73, instructed that under-age persons must not be accepted as new recruits and if under-age recruits were found in the basic training courses for new soldiers, the recruiter and/or those who were responsible for selecting the recruits would be punished according to military rules and regulations;

(e) The Office of the Adjutant General, in its Circular No. 8/6951/Ye 6 (Ga), dated 29 July 2002, regarding supervision of recruitment of qualified personnel for the military service, again emphasized the prohibition of forced recruitment and that if forced recruits, under-age, unqualified or undesirable recruits were found to be in the military service, those responsible for recruitments at various levels would not only be severely punished but would also be liable to compensate for all costs incurred for such recruits.

The Government has instituted measures for close scrutiny and inspection to ensure that those recruited into military service fulfil the voluntary nature of recruitment as well as the minimum age requirement and other qualifications. As a result of the process, a total of 473 military personnel were demobilized in 2002, and another 237 military personnel were demobilized in 2003. In addition, those measures resulted in a total of 1,766 applicants who were prevented from being recruited into military service in 2003.

Ignoring this sound legislative base as well as practical measures prohibiting the recruitment and use of child soldiers in our country, the report of the Secretary-General on children and armed conflict reported in paragraph 56 on the progress made by Myanmar as follows:

> "In Myanmar, children continue to be forcibly recruited by government armed forces and armed groups. The United Nations has documented cases of child soldiers fleeing Myanmar into Thailand. My Special Representative for

Children and Armed Conflict had planned to visit Myanmar early in 2003; however, this had to be postponed owing to developments in the country. The situation remains unchanged since my previous report, in which I cited the findings of Human Rights Watch (S/2002/1299, para. 42)".

In Myanmar insurgent armed groups have widely practised forced recruitment, as testified to by the Special Rapporteur on human rights in his report. The report of the Secretary-General, in lumping together the government armed forces with other armed groups, completely ignores the serious efforts by the Government to ensure the voluntary nature of recruitment. It also failed to differentiate whether the child soldiers fleeing Myanmar into to Thailand that "United Nations has documented" are from the Government or insurgent armed groups. We also regret that the Secretary-General's report cited the findings of Human Rights Watch. The findings of Human Rights Watch are neither scientifically and objectively obtained nor independently substantiated. As one of the members of the Security Council stressed during last year's public meeting, there is a need for verification and checking the validity of the information before it is presented to the Security Council. This has not been done with regard to Myanmar.

We deeply regret that the report of the Secretary-General has created a new list (that is, annex II) which is contrary to the mandate provided by resolution 1460 (2003), in particular paragraph 16 (a).

The Government of Myanmar is deeply committed to the protection of children, including the important issue of child soldiers. In order to cooperate with the United Nations and to provide transparency regarding this issue, the Government has invited the Special Representative of the Secretary-General for Children and Armed Conflict, Mr. Olara A. Otunnu, to visit Myanmar at a mutually convenient date to engage in a meaningful dialogue on this important issue. The Special Representative has indicated his intention to visit Myanmar in early 2004. We now await a concrete proposal from the Special Representative regarding his envisaged visit to Myanmar.

It must be stressed that Myanmar has an established domestic law that stipulates that recruitment into military service is voluntary and that the minimum age for military service is 18 years. We have also issued periodic instructions and instituted a process of scrutiny to enforce the legislation, and action is taken under military law against those who contravene the relevant regulations. In this regard action was taken against 17 military personnel in 2002 and 5 military personnel in 2003.

To further strengthen effective implementation, a committee for the prevention of the recruitment of child soldiers has recently been established. The high-level committee is chaired by the Secretary of the State Peace and Development Council, Lt. General Thein Sein, and its members include the Minister for Foreign Affairs, the Minister for Home Affairs, the Minister for Labour, the Minister for Social Welfare, the Judge Advocate-General and two high ranking military officials from the Ministry of Defence. The committee, at its first meeting on 16 January 2004, discussed ways and means to render strict observance of rules, regulations and directives concerning the prevention of recruitment of children for military service and decided to set up a task force comprising the representatives form relevant line ministries such as the Ministry of Foreign Affairs, the Ministry of Home Affairs and the Ministry of Social Welfare, Relief and Resettlement.

The committee for the prevention of the recruitment of child soldiers will also draw up a plan of action in order to more effectively address the issue. Necessary procedures to be followed for prevention of recruitment of under-age children are also already in place. According to those procedures, scrutinizing and inspection of the new recruitments is being made at three stages, namely (a) at the recruitment stage; (b) at the stage of training of new recruits; and (c) at the stage after entering into the military service. Inspections are being made at all three stages so as to ensure that recruitment is in compliance with the military rules and regulations, including the minimum age requirement. The reports of the finding will be submitted to the task force and to the committee.

Myanmar shares the view of the international community on the need to protect children, particularly in situations of armed conflict. We are also of the view that the promotion of all human rights, including the rights of children, should be conducted through cooperation. Towards that end, the Government of Myanmar has not only invited the Special Representative of the Secretary-General but has also indicated to the Representative of the United Nations Children's Fund (UNICEF) in Myanmar its willingness to cooperate with that agency. In many contexts around the world where it is difficult to determine the exact age of a young person, owing to a lack of identity documentation, minors are recruited into the armed forces. We have therefore formally indicated to the UNICEF Representative in Myanmar our desire to begin a cooperative endeavour with that agency, an enhanced programme on a birth registration/vital registration system, which will also include awareness-raising initiatives. We have also indicated our readiness to discuss a plan with UNICEF with regard to the identification and reintegration of under-age soldiers and the evolvement of a plan of action.

With the attainment of peace and stability in Myanmar, the Government has been able to bring about considerable economic and social development to the country, in particular to the inhabitants of the border areas, which had until recently been under the control of the insurgents. Children in those areas are now provided with the health and education services that are enjoyed by children in other parts of the country. Nationally, we will continue to promote the well-being of children and provide them with a secure and enabling environment in which they can develop their full potential. We are also resolved to join hands with others in the international community to promote the rights of children the world over.

I should be grateful if the present letter could be circulated as a document of the Security Council.

(*Signed*) Kyaw Tint Swe
Permanent Representative